

**ZACK KYLE**

**DEPOSITION EXCERPTS**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No.: 1:21-cv-00814-CCE-LRW

LARISSA HARPER HAIRGROVE, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CITY OF SALISBURY, DOWNTOWN )  
SALISBURY INC., and LANE )  
BAILEY, in his individual and )  
official capacity, )  
 )  
Defendants. )  
 )  
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DEPOSITION  
OF  
ZACK KYLE

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TAKEN AT THE SALISBURY, NC CITY HALL:  
217 SOUTH MAIN STREET  
SALISBURY, NC 28144

01-30-2023  
1:53 O'CLOCK P.M.

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Gretchen Wells  
Court Reporter

Chaplin & Associates  
132 Joe Knox Ave, Suite 100-G  
Mooresville, NC 28117  
(704) 606-1434 | (336) 992-1954 | (919) 649-4444

1     you the exact date, because it was on my birthday.  
2     June 17th.

3             Q.     Okay.

4             A.     2014.

5             Q.     And he was replaced by?

6             A.     It would have been Lane Bailey. We had a  
7     interim, but ---

8             Q.     And who was the interim?

9             A.     Interim was John Sofley.

10            Q.     Okay. Can you spell his last name?

11            A.     S-o-f-l-e-y.

12            Q.     And then he was replaced by?

13            A.     Lane.

14            Q.     Lane. And do you recall when Lane came?

15            A.     Maybe around 2015. I'm not sure.

16            Q.     Okay. All right. So I'm just going to put  
17     this there. Okay. I'm going to show you what we  
18     previously marked P3 and ask you if you recall seeing  
19     this before.

20            A.     Yes.

21            Q.     And can you tell me what it is?

22            A.     It's a disciplinary action.

23            Q.     And who issued it?

24            A.     I did.

25            Q.     And you issued it to who?

1           **A.    Larissa.**

2           Q.    All right.  And it's signed off by you  
3   and ---

4           **A.    Larissa.**

5           Q.    And Larissa.  And who's the name at the  
6   bottom?

7           **A.    Kelly Baker.**

8           Q.    Kelly Baker.  And she was there why?

9           **A.    Witness.**

10          Q.    Okay.  And this disciplinary action was  
11   dated December 5th, 2018?

12          **A.    Okay.**

13          Q.    Is that right?

14          **A.    Again, I -- you know...**

15          Q.    Well, the date's right at the top if you  
16   look at it.

17          **A.    Yeah, December 5th.**

18          Q.    Okay.  And where it says, "Description of  
19   infraction" ---

20          **A.    Okay.**

21          Q.    --- it says, "In a September 12 memo, you  
22   were advised to respond to phone calls and emails  
23   within the same day or 24 hours.  An email was sent to  
24   you on October 31st by one of the DSI board members  
25   and you did not respond until November 12th."

1 Q. Okay. What I'm trying to figure out is, if  
2 Larissa ever told you, "Hey, I open an email and I  
3 read it, and then I make it look like I've never read  
4 it so that I remember to do something based on that  
5 email."

6 A. She never told me that.

7 Q. Ever?

8 A. No.

9 Q. She never gave you any ---

10 A. No.

11 Q. --- response to this?

12 A. No.

13 Q. Okay.

14 A. No. Not -- nothing like that.

15 Q. Okay. And it says, "It's also been brought  
16 to my attention that you have not been responsive to  
17 our EDC director."

18 A. Correct.

19 Q. And who was the EDC director?

20 A. Rod Crider.

21 Q. Pardon me?

22 A. Rod Crider.

23 Q. And when you say, "our EDC director," who is  
24 "our"?

25 A. The city's.

1 Q. So the city had its own independent EDC  
2 director?

3 A. I don't know if it's independent. It works  
4 with us and the county. But they are -- they're a  
5 separate entity, pretty much like DSI was before.

6 Q. Is he a city employee?

7 A. He's not a city employee.

8 Q. Okay. So what was Mr. Crider?

9 A. Uh-huh (yes).

10 Q. What was his concern?

11 A. I have no idea with Larissa what the issue  
12 was.

13 Q. Okay. And then you noted that she showed up  
14 late on November 20th for a DSI meeting?

15 A. Correct.

16 Q. And it said, "After many discussions on the  
17 need for you to be on time for meetings." Who had  
18 those discussions with her?

19 A. I would have.

20 Q. And on how many occasions was she late to  
21 meetings?

22 A. I would not -- I couldn't tell you that.

23 Q. Well, did you document them?

24 A. I'm sure at the time we did.

25 Q. Okay. So if there is documentation, that

1 ought to be in her personnel file, right?

2 A. It would have been in my working papers. I  
3 don't know that it necessarily had to be in her  
4 personnel file.

5 Q. Okay. So did you ever give her any of those  
6 dates?

7 A. I'm sure we had those discussions.

8 Q. Okay. And it says, "Finally, your lack of  
9 responsiveness to the North Carolina Main Street  
10 personnel prompted a call from them to the city  
11 manager and myself, which has led to my asking the  
12 marketing person in your department to lead our North  
13 Carolina Main Street Conference Coordination."

14 So I have several questions about that.

15 A. Sure.

16 Q. Who was the Main Street personnel who  
17 called?

18 A. Again, I -- I'm not sure if it was Liz  
19 Parham, or I was trying to think of the other lady  
20 that was working with us, and I cannot think of her  
21 name. Because I -- I've looked over some of this  
22 stuff. And I was trying to think of -- but there was  
23 another person that was involved.

24 Q. And who do you -- which one do you think  
25 called you? Do you know?

1           **A.    No.**

2           Q.    And did they call both of you on the same  
3    call?

4           **A.    No.**

5           Q.    They called you separately?

6           **A.    I'm sure it would have been separately.**

7           Q.    And ---

8           **A.    I don't remember having a joint call.**

9           Q.    And do you recall what the concern was?

10          **A.    It was -- Main Street Program was coming**  
11 **here for their conference. And they were having**  
12 **issues with Larissa responding or taking care of**  
13 **things.**

14          Q.    Okay. And did they say specifically what  
15    things?

16          **A.    At the time, you know...**

17          Q.    Okay. So you said, "I'm now going to ask  
18    the marketing person in your department." So you went  
19    over her to her report and said, "I'm going to tell  
20    you to lead our Main Street Conference." Is that  
21    right?

22          **A.    Yes.**

23          Q.    And who was that person?

24          **A.    Latoya Price.**

25          Q.    Okay. And did Latoya Price thereafter lead



1           **A.    No.**

2           Q.    And why not?

3           **A.    I don't think we follow that progression ---**

4           Q.    Okay.

5           **A.    --- necessarily.**

6           Q.    All right.  So you can go right to  
7 suspension?

8           **A.    Yes.**

9           Q.    Okay.  So you go through that in the  
10 beginning, first paragraph, right?  You say you  
11 already got this, written warning for being untimely  
12 with email and phone call responses, being late to  
13 meetings, right?

14          **A.    Yes.**

15          Q.    And then it says, "After being notified that  
16 an email on certified retirement communities had not  
17 been responded to from June 5th" -- okay, "it was  
18 necessary to audit your emails."

19               And you say, "It was found that over 1,600  
20 emails are currently in your inbox and a lot of those  
21 emails had not been opened and read."

22               And it's your testimony today that she never  
23 told you that she leaves -- reads them and leaves them  
24 open in order to remember to go back to them?

25          **A.    No.  Not that I ---**

1           **A.     Okay.**

2           Q.     And then February 25th, this email goes to  
3     you from Greg Shields ---

4           **A.     Okay.**

5           Q.     --- with a cc to Whitney Wallace, Tim Proper  
6     and Lane.

7           **A.     Okay.**

8           Q.     Do you see that?

9           **A.     Oh, yes.   Okay.**

10          (Witness examines document)

11          **A.     Okay.**

12          Q.     Okay.   So at the bottom of this email, it's  
13     an email from you?

14          **A.     Uh-huh (yes).**

15          Q.     And it says, "Good afternoon  
16     Greg/Whitney/Tim, thank you for meeting with me on  
17     Friday to express your concerns related to Larissa's  
18     performance.   I am working toward preparing  
19     documentation concerning her performance, and I need  
20     your assistance in providing me with specifics related  
21     to her performance that warranted your decision to  
22     request termination."

23                 So it sounds like, at some point, you had a  
24     meeting with them and they said, "We want you to fire  
25     her."

1           **A.     Okay.**

2           Q.     Is that right? I mean, this is your email.

3           **A.     Yeah, it's my email. Again ---**

4           Q.     Right. And did they request that she be  
5 terminated?

6           **A.     I'm sure they did.**

7           Q.     Okay. And you said, "Okay. I need your  
8 help doing that," right?

9           **A.     Right.**

10          Q.     So he responds and says, "Emails to Larissa  
11 are routinely unanswered even after repeated attempts  
12 to contact her."

13                 Did you ever ask him to provide you with  
14 examples?

15          **A.     I'm not sure. We could have had**  
16 **conversation ---**

17          Q.     I mean, that's kind of a broad statement?

18          **A.     Yes, it is. Yes.**

19          Q.     Okay. "For most meetings she is late and  
20 rarely prepared." Did you ask him to give you any  
21 examples?

22          **A.     I'm sure I did at the time.**

23          Q.     Okay. "In many cases when she has asked to  
24 take care of something, she says she is far too busy  
25 and delegates it to Candice or Latoya."

1           That's actually a good thing if she's not  
2           utilizing her staff properly, right?

3           **A.    Yes.   Correct.**

4           Q.    So he's -- damned if you do, damned if you  
5           don't, right?

6                       MR. FLANAGAN:   Object to form.

7           Q.    (Ms. Bateman)   I'm just saying, how does she  
8           win, right?   You say, "You're not delegating," and he  
9           says, "Oh my God, she's delegating.   She's too busy."

10                    So I don't -- I mean, I think that's an  
11           example of, it was going to be hard to please both  
12           people ---

13           **A.    Sure.**

14           Q.    --- wouldn't you agree?

15           **A.    Yes.**

16           Q.    Okay.   "It feels like there's a lot of  
17           activity but very little progress made."   Did you ask  
18           him to give you specific examples?

19           **A.    I'm sure they did.**

20           Q.    Okay.   "A very specific instance of this was  
21           new board member orientation.   It was disorganized.  
22           Larissa was late.   We spent a lot of the orientation  
23           adding pages to our binders that were not in them to  
24           begin with."

25                    Did you ever ask Larissa about that specific